



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,257	07/27/2001	Masayuki Hisatake	040894-5692	6806
9629	7590	06/30/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			MILIA, MARK R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,257

Applicant(s)

HISATAKE ET AL.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/27/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 7, reference character (S52). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

Art Unit: 2622

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application Publication No. 11-127297 to Tanimoto, as cited on Information Disclosure Statement dated July 27, 2001. Reference will be made to a computer translation of the above stated document, which is hereby attached.

Regarding claim 1, Tanimoto discloses an image information processing apparatus capable of entering image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, said image information processing apparatus comprising: communications means for receiving the image information (see Drawings 1 and 2 and paragraphs [0013], [0016], and [0018]), and control means which determines whether or not the attribute information and the image data are arranged in a predetermined sequence, from header information pertaining to the image information received by said

Art Unit: 2622

communications means, and which immediately decompresses image data included in the image information when the attribute information and the image data are determined to be arranged in the predetermined sequence (see Drawings 1, 2, and 4, paragraphs [0013], [0016], [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050], reference states that the header information is in a predetermined sequence and that sequence is checked upon reception, which is analogous to the claim limitation, and also the image data is decompressed at the time of reception, which is also analogous to the claim limitation, therefore the reference anticipates the claim limitations).

Regarding claim 2, Tanimoto discloses an image information processing apparatus capable of entering image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, said image information processing apparatus comprising: control means which stores, into header information pertaining to image information, information indicating that attribute information and image data are arranged in a predetermined sequence and which produces image information by means of storing the attribute information and the image data in a predetermined sequence (see Drawings 1, 2, and 4, paragraphs [0013], [0016], [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050]), and output means for outputting the generated image information (see Drawing 1 and paragraph [0020] lines 2-5).

Regarding claim 3, Tanimoto discloses the system discussed in claim 2, and further discloses wherein said output means exchanges, with a receiver device which is

Art Unit: 2622

to send the image information, negotiation information in connection with a layout sequence of attribute information and image data (see Drawings 1, 2, and 4, and paragraphs [0004]-[0010] and [0035]-[0038]), and said control means generates the image information on the basis of a result of exchange of the negotiation information (see paragraphs [0038] and [0049]).

Regarding claim 4, Tanimoto discloses an image information processing apparatus capable of entering image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, said image information processing apparatus comprising: communications means which exchanges, with sender device sending the image information, negotiation information in connection with a layout sequence of image data and attribute information and which receives the image information (see Drawings 1, 2, and 4, paragraphs [0004]-[0010], [0013], [0016], [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050]), and control means which immediately decompresses image data included in the image information upon receipt of a message indicating that the attribute information and the image data are arranged in a predetermined sequence, as a result of exchange of the negotiation information (see paragraphs [0016], [0030] lines 1-4, and [0031] lines 1-3)).

Regarding claim 5, Tanimoto discloses an image information processing apparatus which produces image information in an image file format, the format enabling storage of image data and attribute information thereof in arbitrary positions, said image information processing apparatus comprising: output means which

Art Unit: 2622

exchanges, with a receiver device which is to send image information, negotiation information pertaining to a layout sequence of attribute information and image data and which outputs the image information (see Drawings 1, 2, and 4, and paragraphs [0004]-[0010] and [0035]-[0038]), and control means which arranges attribute information and image data in a predetermined sequence on the basis of the result of exchange of the negotiation information, thereby producing the image information, and which outputs the image information to the output means (see Drawings 1, 2, and 4, paragraphs [0013], [0016], [0020] lines 2-5, [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050]).

Regarding claim 6, Tanimoto discloses a computer-readable storage medium in which is stored program for causing a computer to perform processing for entering and decompressing image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, the processing comprising: a determination step of determining whether or not the attribute information and the image data are arranged in a predetermined sequence, from header information pertaining to the entered image information (see Drawings 1, 2, and 4, paragraphs [0013], [0015], [0016], [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050]), and a decompression step of immediately decompressing image data included in the image information when in the determination step the attribute information and the image data are determined to be arranged in the predetermined sequence (see paragraphs [0030] lines 1-4 and [0031] lines 1-3).

Regarding claim 7, Tanimoto discloses a computer-readable storage medium in which is stored a program for causing a computer to perform processing for producing image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, the processing comprising: a sequential information storage step of storing, into header information of the image information, information indicating that the attribute information and image data are stored predetermined sequence (see paragraphs [0016], [0024], and [0034]-[0037]), an image information generation step of producing image information by means of storing attribute information and image data in a predetermined sequence (see paragraphs [0013], [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050]), and an output processing step of outputting generated image information (see paragraphs [0020] lines 2-5 and [0038]).

Regarding claim 8, Tanimoto discloses a computer-readable storage medium in which is stored a program for causing a computer to perform processing for entering and decompressing image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, the processing comprising: a negotiation processing step of conducting, with a sender device which sends the image information, negotiations in connection with a layout sequence of image data and attribute information (see paragraphs [0034]-[0038]), and a decompression operation step of immediately decompressing image data included in the received image information, when through the negotiation processing step it is

Art Unit: 2622

reported that the attribute information and the image data are arranged in a predetermined sequence (see paragraphs [0030] lines 1-4 and [0031] lines 1-3).

Regarding claim 9, Tanimoto disclose a computer-readable storage medium in which is stored a program for causing a computer to perform processing for producing image information in an image file format which enables storage, in arbitrary positions, of image data and attribute information pertaining to the image data, the processing comprising: negotiation processing step conducting, with receiver device which sends the image information, negotiations in connection with a layout sequence of image data and attribute information (see paragraphs [0034]-[0038]), an image information generation step of producing the image information by means of arranging attribute information and image data in a predetermined sequence, on the basis of the result of negotiations performed the negotiation processing step (see paragraphs [0013], [0024], [0028] lines 3-6, [0030] lines 1-4, [0031] lines 1-3, [0034]-[0038], and [0049]-[0050]), and an output processing step of outputting produced image information (see paragraphs [0020] lines 2-5 and [0038]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to U.S. Patent numbers 5522041 (Murakami et al.), 5619571 (Sandstrom et al.), 5636631 (Waitz et al.), and

Art Unit: 2622

6351553 (Hayosh) and U.S. Patent Application Publication number 2001/0015823 (Sato).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
Art Unit 2622

MRM


JOSEPH R. POKRZYWA
PRIMARY EXAMINER
ART UNIT 2622